

# SENATE BILL NO. 240

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR KOENIG.

0676S.01I

KRISTINA MARTIN, Secretary

## AN ACT

To repeal sections 115.137, 115.168, 115.225, 115.249, 115.279, 115.287, 115.327, 115.349, 115.351, 115.363, 115.395, 115.397, 115.409, and 115.429, RSMo, and to enact in lieu thereof fifteen new sections relating to elections, with an effective date for certain sections.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Sections 115.137, 115.168, 115.225, 115.249, 2 115.279, 115.287, 115.327, 115.349, 115.351, 115.363, 115.395, 3 115.397, 115.409, and 115.429, RSMo, are repealed and fifteen 4 new sections enacted in lieu thereof, to be known as sections 5 115.137, 115.168, 115.225, 115.249, 115.279, 115.287, 115.327, 6 115.349, 115.351, 115.363, 115.395, 115.397, 115.398, 115.409, 7 and 115.429, to read as follows:

115.137. 1. Except as provided in subsection 2 of 2 this section, any citizen who is entitled to register and 3 vote shall be entitled to register for and vote pursuant to 4 the provisions of this chapter in all statewide public 5 elections and all public elections held for districts and 6 political subdivisions within which he resides.

7 2. Any person who and only persons who fulfill the 8 ownership requirements shall be entitled to vote in 9 elections for which ownership of real property is required 10 by law for voting.

11 **3. Notwithstanding any other provision of law to the**  
12 **contrary, no person shall be entitled to vote in a primary**

**EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

13 election of an established political party unless he or she  
14 is affiliated with such party, as evidenced by his or her  
15 voter registration.

115.168. 1. (1) If a registered voter chooses to  
2 change his or her political party affiliation, the voter may  
3 notify the election authority of such change. Any change of  
4 political party affiliation shall be made by signed, written  
5 notice in substantially the same manner as a change of  
6 address application is filed under section 115.165.

7 (2) Beginning January 1, 2025, if a registered voter  
8 changes his or her political party affiliation within twenty-  
9 three weeks of a primary election of an established  
10 political party, the voter's change of affiliation shall not  
11 be applied by the election authority to his or her voter  
12 registration until after such election. A registered voter  
13 may only vote in the primary election of the established  
14 political party with which he or she was affiliated on the  
15 twenty-third Tuesday before such election.

16 (3) Beginning January 1, 2025, notwithstanding any  
17 provision of this section to the contrary, any person who  
18 was not previously registered to vote in this state who  
19 submits a voter registration application by 5:00 p.m. on the  
20 fourth Wednesday prior to the primary election of an  
21 established political party may choose a political party  
22 affiliation or unaffiliation and may vote in such election.

23 (4) Any person who was registered to vote in this  
24 state as of August 28, 2023, who has not declared a  
25 political party affiliation on his or her voter registration  
26 shall be considered by the election authority to be  
27 unaffiliated with an established political party unless such  
28 person chooses to vote in a primary election of an  
29 established political party, in which case the election

30 **authority shall make a notation on such person's voter**  
31 **registration pursuant to section 115.398.**

32 2. For purposes of this section, the phrase "change  
33 his or her political party affiliation" shall mean changing  
34 affiliation from one established political party to another  
35 established political party, changing from affiliation with  
36 an established political party to unaffiliated, or changing  
37 from unaffiliated to affiliation with an established  
38 political party.

115.225. 1. Before use by election authorities in  
2 this state, the secretary of state shall approve the marking  
3 devices and the automatic tabulating equipment used in  
4 electronic voting systems and may promulgate rules and  
5 regulations to implement the intent of sections 115.225 to  
6 115.235.

7 2. No electronic voting system shall be approved  
8 unless it:

- 9 (1) Permits voting in absolute secrecy;
- 10 (2) Permits each voter to vote for as many candidates  
11 for each office as a voter is lawfully entitled to vote for;
- 12 (3) Permits each voter to vote for or against as many  
13 questions as a voter is lawfully entitled to vote on, and no  
14 more;
- 15 (4) Provides facilities for each voter to cast as many  
16 write-in votes for each office as a voter is lawfully  
17 entitled to cast;
- 18 (5) Permits each voter in a primary election to vote  
19 for the candidates of only one party [announced by the voter  
20 in advance];
- 21 (6) Permits each voter at a presidential election to  
22 vote by use of a single mark for the candidates of one party

23 or group of petitioners for president, vice president and  
24 their presidential electors;

25 (7) Accurately counts all proper votes cast for each  
26 candidate and for and against each question;

27 (8) Is set to reject all votes, except write-in votes,  
28 for any office and on any question when the number of votes  
29 exceeds the number a voter is lawfully entitled to cast;

30 (9) Permits each voter, while voting, to clearly see  
31 the ballot label;

32 (10) Has been tested and is certified by an  
33 independent authority that meets the voting system standards  
34 developed by the Federal Election Commission or its  
35 successor agency. The provisions of this subdivision shall  
36 not be required for any system purchased prior to August 28,  
37 2002.

38 3. The secretary of state shall promulgate rules and  
39 regulations to allow the use of a computerized voting  
40 system. The procedures shall provide for the use of a  
41 computerized voting system with the ability to provide a  
42 paper audit trail. Notwithstanding any provisions of this  
43 chapter to the contrary, such a system may allow for the  
44 storage of processed ballot materials in an electronic form.

45 4. Any rule or portion of a rule, as that term is  
46 defined in section 536.010, that is created under the  
47 authority delegated in this section shall become effective  
48 only if it complies with and is subject to all of the  
49 provisions of chapter 536 and, if applicable, section  
50 536.028. This section and chapter 536 are nonseverable and  
51 if any of the powers vested with the general assembly  
52 pursuant to chapter 536 to review, to delay the effective  
53 date or to disapprove and annul a rule are subsequently held  
54 unconstitutional, then the grant of rulemaking authority and

55 any rule proposed or adopted after August 28, 2002, shall be  
56 invalid and void.

57 5. If any election authority uses any touchscreen  
58 direct-recording electronic vote-counting machine, the  
59 election authority may continue to use such machine. Upon  
60 the removal of such voting machine from the election  
61 authority's inventory because of mechanical malfunction,  
62 wear and tear, or any other reason, the machine shall not be  
63 replaced and no additional direct-recording electronic vote-  
64 counting machine shall be added to the election authority's  
65 inventory. Such machines shall not be used beginning  
66 January 1, 2024. Equipment that is designed for  
67 accessibility shall provide a paper ballot audit trail.

68 6. (1) Each election authority that controls its own  
69 information technology department shall, once every two  
70 years, allow a cyber security review of their office by the  
71 secretary of state or alternatively by an entity that  
72 specializes in cyber security reviews. Each political  
73 subdivision that controls the information technology  
74 department for an election authority shall, once every two  
75 years, allow a cyber security review of the information  
76 technology department by the secretary of state or  
77 alternatively by an entity that specializes in cyber  
78 security reviews. The secretary of state shall, once every  
79 two years, allow a cyber security review of its office by an  
80 entity that specializes in cyber security reviews. For  
81 purposes of this section, an entity specializes in cyber  
82 security review if it employs one or more individuals who:

83 (a) Have at least five years management experience in  
84 information security or five years' experience as an  
85 information security analyst;

86 (b) Have worked in at least two of the domains listed  
87 in paragraph (c) of this subdivision that are covered in the  
88 exam required by such paragraph; and

89 (c) Have attained an information security  
90 certification by passing an exam that covers at least three  
91 of the following topics:

- 92 a. Information technology risk management,  
93 identification, mitigation, and compliance;  
94 b. Information security incident management;  
95 c. Information security program development and  
96 management;  
97 d. Risk and control monitoring and reporting;  
98 e. Access control systems and methodology;  
99 f. Business continuity planning and disaster recovery  
100 planning;  
101 g. Physical security of election authority property;  
102 h. Networking security; or  
103 i. Security architecture application and systems  
104 development.

105 (2) If an election authority or political subdivision  
106 fails to have a cyber security review as required by this  
107 subsection, the secretary of state may publish a notice of  
108 noncompliance in a newspaper within the jurisdiction of the  
109 election authority or in electronic format. The secretary  
110 of state is also authorized to withhold funds from an  
111 election authority in violation of this section unless such  
112 funding is a federal mandate or part of a federal and state  
113 agreement.

114 7. The secretary of state shall have authority to  
115 require cyber security testing, including penetration  
116 testing, of vendor machines, programs, and systems. Failure  
117 to participate in such testing shall result in a revocation

118 of vendor certification. Upon notice from another  
119 jurisdiction of cyber security failures or certification  
120 withholds or revocation, the secretary of state shall have  
121 authority to revoke or withhold certification for vendors.  
122 The requirements of this section shall be subject to  
123 appropriation for the purpose of cyber security testing.

124 8. The secretary of state may designate an  
125 organization of which each election authority shall be a  
126 member, provided there is no membership fee and the  
127 organization provides information to increase cyber security  
128 and election integrity efforts.

129 9. All audits required by subsection 6 of this section  
130 that are conducted by the secretary of state shall be solely  
131 paid for by state and federal funding.

115.249. No voting machine shall be used unless it:

2 (1) Permits voting in absolute secrecy;

3 (2) Permits each voter to vote for as many candidates  
4 for each office as he is lawfully entitled to vote for, and  
5 no other;

6 (3) Permits each voter to vote for or against as many  
7 questions as he is lawfully entitled to vote on, and no more;

8 (4) Provides facilities for each voter to cast as many  
9 write-in votes for each office as he is lawfully entitled to  
10 cast;

11 (5) Permits each voter in a primary election to vote  
12 for the candidates of only one party [announced by the voter  
13 in advance];

14 (6) Correctly registers or records and accurately  
15 counts all votes cast for each candidate and for and against  
16 each question;

17           (7) Is provided with a lock or locks which prevent any  
18 movement of the voting or registering mechanism and any  
19 tampering with the mechanism;

20           (8) Is provided with a protective counter or other  
21 device whereby any operation of the machine before or after  
22 an election will be detected;

23           (9) Is provided with a counter which shows at all  
24 times during the election how many people have voted on the  
25 machine;

26           (10) Is provided with a proper light which enables  
27 each voter, while voting, to clearly see the ballot labels.

115.279. 1. Application for an absentee ballot may be  
2 made by the applicant in person, or by mail, or for the  
3 applicant, in person, by his or her guardian or a relative  
4 within the second degree by consanguinity or affinity. The  
5 election authority shall accept applications by facsimile  
6 transmission and by electronic mail within the limits of its  
7 telecommunications capacity.

8           2. Notwithstanding section 115.284, no individual,  
9 group, or party shall solicit a voter into obtaining an  
10 absentee ballot application. Absentee ballot applications  
11 shall not have the information prefilled prior to it being  
12 provided to a voter. Nothing in this section shall be  
13 interpreted to prohibit a state or local election authority  
14 from assisting an individual voter.

15           3. Each application shall be made to the election  
16 authority of the jurisdiction in which the person is or  
17 would be registered. Each application shall be in writing  
18 and shall state the applicant's name, address at which he or  
19 she is or would be registered, his or her reason for voting  
20 an absentee ballot, the address to which the ballot is to be  
21 mailed, if mailing is requested, and for absent uniformed



22 services and overseas applicants, the applicant's email  
23 address if electronic transmission is requested. If the  
24 reason for the applicant voting absentee is due to the  
25 reasons established under subdivision (6) of subsection 3 of  
26 section 115.277, the applicant shall state the voter's  
27 identification information provided by the address  
28 confidentiality program in lieu of the applicant's name,  
29 address at which he or she is or would be registered, and  
30 address to which the ballot is to be mailed, if mailing is  
31 requested. [Each application to vote in a primary election  
32 shall also state which ballot the applicant wishes to  
33 receive. If any application fails to designate a ballot,  
34 the election authority shall, within three working days  
35 after receiving the application, notify the applicant by  
36 mail that it will be unable to deliver an absentee ballot  
37 until the applicant designates which political party ballot  
38 he or she wishes to receive. If the applicant does not  
39 respond to the request for political party designation, the  
40 election authority is authorized to provide the voter with  
41 that part of the ballot for which no political party  
42 designation is required.]

43 4. All applications for absentee ballots received  
44 prior to the sixth Tuesday before an election shall be  
45 stored at the office of the election authority until such  
46 time as the applications are processed in accordance with  
47 section 115.281. No application for an absentee ballot  
48 received in the office of the election authority by mail, by  
49 facsimile transmission, by electronic mail, or by a guardian  
50 or relative after 5:00 p.m. on the second Wednesday  
51 immediately prior to the election shall be accepted by any  
52 election authority. No application for an absentee ballot  
53 submitted by the applicant in person after 5:00 p.m. on the

54 day before the election shall be accepted by any election  
55 authority, except as provided in subsections 7, 8, and 9 of  
56 this section.

57         5. Each application for an absentee ballot shall be  
58 signed by the applicant or, if the application is made by a  
59 guardian or relative pursuant to this section, the  
60 application shall be signed by the guardian or relative, who  
61 shall note on the application his or her relationship to the  
62 applicant. If an applicant, guardian or relative is blind,  
63 unable to read or write the English language or physically  
64 incapable of signing the application, he or she shall sign  
65 by mark, witnessed by the signature of an election official  
66 or person of his or her own choosing. Any person who  
67 knowingly makes, delivers or mails a fraudulent absentee  
68 ballot application shall be guilty of a class one election  
69 offense.

70         6. (1) Notwithstanding any law to the contrary, any  
71 resident of the state of Missouri who resides outside the  
72 boundaries of the United States or who is on active duty  
73 with the Armed Forces of the United States or members of  
74 their immediate family living with them may request an  
75 absentee ballot for both the primary and subsequent general  
76 election with one application.

77         (2) The election authority shall provide each absent  
78 uniformed services voter and each overseas voter who submits  
79 a voter registration application or an absentee ballot  
80 request, if the election authority rejects the application  
81 or request, with the reasons for the rejection.

82         (3) Notwithstanding any other law to the contrary, if  
83 a standard oath regarding material misstatements of fact is  
84 adopted for uniformed and overseas voters pursuant to the  
85 Help America Vote Act of 2002, the election authority shall

86 accept such oath for voter registration, absentee ballot, or  
87 other election-related materials.

88 (4) Not later than sixty days after the date of each  
89 regularly scheduled general election for federal office,  
90 each election authority which administered the election  
91 shall submit to the secretary of state in a format  
92 prescribed by the secretary a report on the combined number  
93 of absentee ballots transmitted to, and returned by, absent  
94 uniformed services voters and overseas voters for the  
95 election. The secretary shall submit to the Election  
96 Assistance Commission a combined report of such information  
97 not later than ninety days after the date of each regularly  
98 scheduled general election for federal office and in a  
99 standardized format developed by the commission pursuant to  
100 the Help America Vote Act of 2002. The secretary shall make  
101 the report available to the general public.

102 (5) As used in this section, the terms "absent  
103 uniformed services voter" and "overseas voter" shall have  
104 the meaning prescribed in 52 U.S.C. Section 20310.

105 7. An application for an absentee ballot by a new  
106 resident shall be submitted in person by the applicant in  
107 the office of the election authority in the election  
108 jurisdiction in which such applicant resides. The  
109 application shall be received by the election authority no  
110 later than 7:00 p.m. on the day of the election. Such  
111 application shall be in the form of an affidavit, executed  
112 in duplicate in the presence of the election authority or  
113 any authorized officer of the election authority, and in  
114 substantially the following form:

115 "STATE OF \_\_\_\_\_

116 COUNTY OF \_\_\_\_\_, ss.

117 I, \_\_\_\_\_, do solemnly swear that:

118 (1) Before becoming a resident of this state, I  
 119 resided at \_\_\_\_\_ (residence address) in \_\_\_\_\_  
 120 (town, township, village or city) of \_\_\_\_\_  
 121 County in the state of \_\_\_\_\_;

122 (2) I moved to this state after the last day to  
 123 register to vote in such general presidential  
 124 election and I am now residing in the county of  
 125 \_\_\_\_\_, state of Missouri;

126 (3) I believe I am entitled pursuant to the laws of  
 127 this state to vote in the presidential election  
 128 to be held November \_\_\_\_\_, \_\_\_\_\_ (year);

129 (4) I hereby make application for a presidential  
 130 and vice presidential ballot. I have not voted  
 131 and shall not vote other than by this ballot at  
 132 such election.

133 Signed \_\_\_\_\_

134 (Applicant)

135 \_\_\_\_\_

136 (Residence Address)

137 Subscribed and sworn to before me this \_\_\_\_\_ day  
 138 of \_\_\_\_\_, \_\_\_\_\_

139 Signed \_\_\_\_\_

140 (Title and name of officer authorized to  
 141 administer oaths)"

142 8. The election authority in whose office an  
 143 application is filed pursuant to subsection 7 of this  
 144 section shall immediately send a duplicate of such  
 145 application to the appropriate official of the state in  
 146 which the new resident applicant last resided and shall file  
 147 the original of such application in its office.

148           9. An application for an absentee ballot by an  
149 interstate former resident shall be received in the office  
150 of the election authority where the applicant was formerly  
151 registered by 5:00 p.m. on the second Wednesday immediately  
152 prior to the election, unless the application is made in  
153 person by the applicant in the office of the election  
154 authority, in which case such application shall be made no  
155 later than 7:00 p.m. on the day of the election.

115.287. 1. Upon receipt of a signed application for  
2 an absentee ballot and if satisfied the applicant is  
3 entitled to vote by absentee ballot, the election authority  
4 shall, within three working days after receiving the  
5 application, or if absentee ballots are not available at the  
6 time the application is received, within five working days  
7 after they become available, deliver to the voter an  
8 absentee ballot, ballot envelope and such instructions as  
9 are necessary for the applicant to vote. **For applications**  
10 **for an absentee ballot to vote in a primary election, the**  
11 **election authority shall only deliver to the voter the**  
12 **ballot that corresponds to the established political party**  
13 **with which the voter is affiliated, according to his or her**  
14 **voter registration, or, if the voter is unaffiliated, the**  
15 **unaffiliated ballot.** Delivery shall be made to the voter  
16 personally in the office of the election authority or by  
17 bipartisan teams appointed by the election authority, or by  
18 first class, registered, or certified mail at the discretion  
19 of the election authority, or in the case of a covered voter  
20 as defined in section 115.902, the method of transmission  
21 prescribed in section 115.914. Where the election authority  
22 is a county clerk, the members of bipartisan teams  
23 representing the political party other than that of county  
24 clerk shall be selected from a list of persons submitted to

25 the county clerk by the county chairman of that party. If  
26 no list is provided by the time that absentee ballots are to  
27 be made available, the county clerk may select a person or  
28 persons from lists provided in accordance with section  
29 115.087. If the election authority is not satisfied that  
30 any applicant is entitled to vote by absentee ballot, it  
31 shall not deliver an absentee ballot to the applicant.  
32 Within three working days of receiving such an application,  
33 the election authority shall notify the applicant and state  
34 the reason he or she is not entitled to vote by absentee  
35 ballot. The applicant may file a complaint with the  
36 elections division of the secretary of state's office under  
37 and pursuant to section 115.219.

38 2. If, after 5:00 p.m. on the second Wednesday before  
39 an election, any voter from the jurisdiction has become  
40 hospitalized, becomes confined due to illness or injury, or  
41 is confined in an intermediate care facility, residential  
42 care facility, or skilled nursing facility on election day,  
43 as such terms are defined in section 198.006, in the county  
44 in which the jurisdiction is located or in the jurisdiction  
45 of an adjacent election authority within the same county,  
46 the election authority shall appoint a team to deliver,  
47 witness the signing of and return the voter's application  
48 and deliver, witness the voting of and return the voter's  
49 absentee ballot. If the election authority receives ten or  
50 more applications for absentee ballots from the same address  
51 it shall appoint a team to deliver and witness the voting  
52 and return of absentee ballots by voters residing at that  
53 address, except when such addresses are for an apartment  
54 building or other structure wherein individual living units  
55 are located, each of which has its own separate cooking  
56 facilities. Each team appointed pursuant to this subsection

57 shall consist of two registered voters, one from each major  
58 political party. Both members of any team appointed  
59 pursuant to this subsection shall be present during the  
60 delivery, signing or voting and return of any application or  
61 absentee ballot signed or voted pursuant to this subsection.

62 3. On the mailing and ballot envelopes for each  
63 covered voter, the election authority shall stamp  
64 prominently in black the words "FEDERAL BALLOT, STATE OF  
65 MISSOURI" and "U.S. Postage Paid, 39 U.S.C. Section 3406".

66 4. No information which encourages a vote for or  
67 against a candidate or issue shall be provided to any voter  
68 with an absentee ballot.

115.327. 1. When submitted for filing, each petition  
2 for the nomination of an independent candidate or for the  
3 formation of a new political party shall be accompanied by a  
4 declaration of candidacy for each candidate to be nominated  
5 by the petition or by the party, respectively. The party's  
6 duly authorized chairman and treasurer shall also submit a  
7 certified complete list of the names and addresses of all  
8 their candidates and the office for which each seeks. The  
9 party shall nominate its candidates in the manner prescribed  
10 in the party's bylaws. If presidential electors are to be  
11 nominated, at least one qualified resident of each  
12 congressional district shall be named as a nominee for  
13 presidential elector. The number of candidates to be  
14 nominated shall equal the number of electors to which the  
15 state is entitled. Each declaration of candidacy for the  
16 office of presidential elector shall be in the form provided  
17 in section 115.399. Each declaration of candidacy for an  
18 office other than presidential elector shall state the  
19 candidate's full name, residence address, office for which  
20 he proposes to be a candidate, the party, if any, upon whose

21 ticket he is to be a candidate and that if nominated and  
22 elected he will qualify. Each such declaration shall be in  
23 substantially the following form:

24 I, \_\_\_\_\_, a resident and registered voter of the  
25 \_\_\_\_\_ precinct of the town of \_\_\_\_\_ or the \_\_\_\_\_  
26 precinct of the \_\_\_\_\_ ward of the city of \_\_\_\_\_, or  
27 the \_\_\_\_\_ precinct of \_\_\_\_\_ township of the county  
28 of \_\_\_\_\_ and the state of Missouri, do announce  
29 myself a candidate for the office of \_\_\_\_\_ on the  
30 \_\_\_\_\_ ticket, to be voted for at the general  
31 (special) election to be held on the \_\_\_\_\_ day of  
32 \_\_\_\_\_, 20\_\_\_\_\_, and I further declare that if  
33 nominated and elected I will qualify.

34 \_\_\_\_\_ Subscribed and sworn  
35 Signature of \_\_\_\_\_ to before me this  
36 candidate \_\_\_\_\_

37 \_\_\_\_\_ day of  
38 \_\_\_\_\_, 20\_\_\_\_\_

39 \_\_\_\_\_  
40 Residence address \_\_\_\_\_ Signature of election  
41 official or officer  
42 authorized to  
43 administer oaths

44 Each such declaration shall be subscribed and sworn to by  
45 the candidate before the election official accepting the  
46 candidate's petition, a notary public or other officer  
47 authorized by law to administer oaths.

48 **2. Any person who files a declaration of candidacy as**  
49 **an independent candidate or as the candidate of a new**  
50 **political party for election to an office shall be**  
51 **unaffiliated with any established political party, as**



52 **evidenced by his or her voter registration, no later than**  
53 **the twenty-third Tuesday prior to the last Tuesday in**  
54 **February immediately preceding the primary election.**

115.349. 1. Except as otherwise provided in sections  
2 115.361 to 115.383, no candidate's name shall be printed on  
3 any official primary ballot unless the candidate has filed a  
4 written declaration of candidacy in the office of the  
5 appropriate election official by 5:00 p.m. on the last  
6 Tuesday in March immediately preceding the primary election.

7 2. No declaration of candidacy for nomination in a  
8 primary election shall be accepted for filing prior to 8:00  
9 a.m. on the last Tuesday in February immediately preceding  
10 the primary election.

11 3. Each declaration of candidacy for nomination in a  
12 primary election shall state the candidate's full name,  
13 residence address, office for which such candidate proposes  
14 to be a candidate, the party ticket on which he or she  
15 wishes to be a candidate and that if nominated and elected  
16 he or she will qualify. The declaration shall be in  
17 substantially the following form:

18 I, \_\_\_\_\_, a resident and registered voter of the  
19 county of \_\_\_\_\_ and the state of Missouri,  
20 residing at \_\_\_\_\_, do announce myself a candidate  
21 for the office of \_\_\_\_\_ on the \_\_\_\_\_ party  
22 ticket, to be voted for at the primary election to  
23 be held on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, and I  
24 further declare that if nominated and elected to  
25 such office I will qualify.

26 \_\_\_\_\_  
27 Signature of candidate

Subscribed and sworn to  
before me this \_\_\_\_\_  
day of \_\_\_\_\_, \_\_\_\_\_

28 \_\_\_\_\_  
29 Residence address

30 \_\_\_\_\_  
31 Signature of election  
32 official or other

33 officer authorized to  
34 administer oaths

35 \_\_\_\_\_  
36  
37 Mailing address (if  
38 different)  
39  
40 \_\_\_\_\_  
41 Telephone Number  
(Optional)

42 If the declaration is to be filed in person, it shall be  
43 subscribed and sworn to by the candidate before an official  
44 authorized to accept his or her declaration of candidacy.  
45 If the declaration is to be filed by certified mail pursuant  
46 to the provisions of subsection 2 of section 115.355, it  
47 shall be subscribed and sworn to by the candidate before a  
48 notary public or other officer authorized by law to  
49 administer oaths.

50 **4. Any person who files a declaration of candidacy as**  
51 **a party candidate for nomination or election to an office**  
52 **shall be affiliated with that political party, as evidenced**  
53 **by his or her voter registration, no later than the twenty-**  
54 **third Tuesday prior to the last Tuesday in February**  
55 **immediately preceding the primary election.**

115.351. [No person who files as a party candidate for  
2 nomination or election to an office shall, without  
3 withdrawing, file as another party's candidate or an  
4 independent candidate for nomination or election to the  
5 office for the same term. No person who files as an  
6 independent candidate for election to an office shall,  
7 without withdrawing, file as a party candidate for  
8 nomination or election to the office for the same term.] No

9 person shall file for one office and, without withdrawing,  
10 file for another office to be filled at the same election.  
11 Receipt by the secretary of state of proper certification of  
12 nomination pursuant to subsection 1 of section 115.399  
13 constitutes withdrawal by operation of law pursuant to  
14 subsection 1 of section 115.359 of any presidential or vice  
15 presidential nominee from any other office for which such  
16 nominee is a candidate at the same election. Any person  
17 violating any provision of this section shall be  
18 disqualified from running for nomination or election to any  
19 office at the primary and general election next succeeding  
20 the violation.

115.363. 1. Except as provided in section 115.361, a  
2 party nominating committee of a political party may select a  
3 party candidate for nomination to an office on the primary  
4 election ballot in the following cases:

5 (1) If there are no candidates for nomination as the  
6 party candidate due to death of all the party's candidates  
7 after 5:00 p.m. on the last day in which a person may file  
8 as a candidate for nomination and at or before 5:00 p.m. on  
9 the tenth Tuesday prior to the primary election;

10 (2) If there are no candidates for nomination as the  
11 party candidate due to withdrawal after 5:00 p.m. on the  
12 last day in which a person may file as a candidate for  
13 nomination and at or before 5:00 p.m. on whatever day may be  
14 fixed by law as the final date for withdrawing as a  
15 candidate for the office;

16 (3) If there are no candidates for nomination as the  
17 party candidate due to death or disqualification of all  
18 candidates within seven days prior to the filing deadline  
19 and if no person has filed for the party nomination within  
20 that time;

21           (4) If there are no candidates for nomination as the  
22 party candidate due to disqualification of all party  
23 candidates after 5:00 p.m. on the last day on which a person  
24 may file as a candidate for nomination, and at or before  
25 5:00 p.m. on the tenth Tuesday prior to the primary  
26 election; or

27           (5) If a candidate for the position of political party  
28 committeeman or committeewoman dies or withdraws as provided  
29 in subsection 1 or 2 of section 115.359 after the tenth  
30 Tuesday prior to the primary election, leaving no candidate.

31           2. Any established political party may select a  
32 candidate for nomination, if a candidate who is the  
33 incumbent or only candidate dies, is disqualified or  
34 withdraws pursuant to subsection 1 or 2 of section 115.359  
35 after 5:00 p.m. on the tenth Tuesday prior to the primary  
36 election, and at or before 5:00 p.m. on whatever day is  
37 fixed by law as the final date for withdrawing as a  
38 candidate for the office.

39           3. A party nominating committee may select a party  
40 candidate for election to an office on the general election  
41 ballot in the following cases:

42           (1) If the person nominated as the party candidate  
43 shall die at or before 5:00 p.m. on the tenth Tuesday prior  
44 to the general election;

45           (2) If the person nominated as the party candidate is  
46 disqualified at or before 5:00 p.m. on the tenth Tuesday  
47 prior to the general election;

48           (3) If the person nominated as the party candidate  
49 shall withdraw at or before 5:00 p.m. on whatever day may be  
50 fixed by law as the final date for withdrawing as a  
51 candidate for the office;

52           (4) If a candidate for nomination to an office in  
53 which the person is the party's only candidate dies after  
54 5:00 p.m. on the tenth Tuesday prior to any primary  
55 election, withdraws as provided in subsection 1 of section  
56 115.359 after 5:00 p.m. on the tenth Tuesday prior to any  
57 primary election, or is disqualified after 5:00 p.m. on the  
58 tenth Tuesday before any primary election.

59           4. If a person nominated as a party's candidate who is  
60 unopposed shall die at or before 5:00 p.m. on the tenth  
61 Tuesday prior to the general election, is disqualified at or  
62 before 5:00 p.m. on the tenth Tuesday prior to the general  
63 election, or shall withdraw at or before 5:00 p.m. on  
64 whatever day may be fixed by law as the final date for  
65 withdrawing as a candidate for the office, the party  
66 nominating committee for any established political party may  
67 select a party candidate.

68           5. A party nominating committee may select a party  
69 candidate for election to an office in the following cases:

70           (1) For an election called to fill a vacancy in an  
71 office;

72           (2) For an election held pursuant to the provisions of  
73 section 105.030 to fill an unexpired term resulting from a  
74 vacancy in an office that occurs within fourteen days prior  
75 to the filing deadline for the primary election and not  
76 later than the tenth Tuesday prior to the general election.  
77 If such vacancy occurs prior to the fourteenth day before  
78 the filing deadline for a primary election, filing for the  
79 office shall be as provided for in sections 115.307 to  
80 115.359.

81           **6. Any party candidate selected by a party nominating**  
82 **committee pursuant to this section shall be affiliated with**

83 **the political party of the committee, as evidenced by his or**  
84 **her voter registration.**

115.395. 1. At each primary election, there shall be  
2 as many separate ballots as there are **established political**  
3 **parties entitled to participate in the election.**  
4 **Additionally, there shall be a separate ballot for**  
5 **unaffiliated voters which shall contain only ballot measures**  
6 **and nonpartisan candidates submitted by political**  
7 **subdivisions and special districts.**

2. The names of the candidates for each office on each  
9 party ballot shall be listed in the order in which they are  
10 filed, except that, in the case of candidates who file a  
11 declaration of candidacy with the secretary of state prior  
12 to 5:00 p.m. on the first day for filing, the secretary of  
13 state shall determine by random drawing the order in which  
14 such candidates' names shall appear on the ballot. The  
15 drawing shall be conducted so that each candidate, or  
16 candidate's representative if the candidate filed under  
17 subsection 2 of section 115.355, may draw a number at random  
18 at the time of filing. The secretary of state shall record  
19 the number drawn with the candidate's declaration of  
20 candidacy. The names of candidates filing on the first day  
21 for filing for each office on each party ballot shall be  
22 listed in ascending order of the numbers so drawn. For the  
23 purposes of this subsection, the election authority  
24 responsible for oversight of the filing of candidates, other  
25 than candidates that file with the secretary of state, shall  
26 clearly designate where candidates, or a candidate's  
27 representative if the candidate filed under subsection 2 of  
28 section 115.355, shall form a line to effectuate such  
29 filings and determine the order of such filings; except  
30 that, in the case of candidates who file a declaration of

31 candidacy with the election authority prior to 5:00 p.m. on  
32 the first day for filing, the election authority may  
33 determine by random drawing the order in which such  
34 candidates' names shall appear on the ballot. If a drawing  
35 is conducted pursuant to this subsection, it shall be  
36 conducted so that each candidate, or candidate's  
37 representative if the candidate filed under subsection 2 of  
38 section 115.355, may draw a number at random at the time of  
39 filing. If such drawing is conducted, the election  
40 authority shall record the number drawn with the candidate's  
41 declaration of candidacy. If such drawing is conducted, the  
42 names of candidates filing on the first day for filing for  
43 each office on each party ballot shall be listed in  
44 ascending order of the numbers so drawn.

45 3. Insofar as applicable, the provisions of sections  
46 115.237 and 115.245 shall apply to each ballot prepared for  
47 a primary election, except that the ballot information may  
48 be placed in vertical or horizontal rows, no circle shall  
49 appear under any party name and no write-in lines shall  
50 appear under the name of any office for which a candidate is  
51 to be nominated at the primary. At a primary election,  
52 write-in votes shall be counted only for persons who can be  
53 elected to an office at the primary.

115.397. 1. In each primary election, each voter  
2 shall be entitled to receive the ballot of [one and only  
3 one] **the established** political party[, designated by the  
4 voter before receiving his ballot] **with which such voter is**  
5 **affiliated, as evidenced by his or her voter registration.**  
6 **Any voter who has chosen to be unaffiliated shall only be**  
7 **permitted to cast an unaffiliated ballot.**

8 2. Each voter who participates in a party primary  
9 shall be entitled to vote on all questions and for any

10 nonpartisan candidates submitted by political subdivisions  
11 and special districts at the primary election. Each voter  
12 who does not wish to participate in a party primary may vote  
13 on all questions and for any nonpartisan candidates  
14 submitted by a political subdivision or special district at  
15 the primary election.

115.398. 1. For any person who was registered to vote  
2 in this state as of August 28, 2023, if such person  
3 thereafter casts a ballot on the primary election day held  
4 on the first Tuesday after the first Monday in August 2024,  
5 such person may pick any ballot and the election authority  
6 shall note the ballot designated and cast by such person and  
7 make a notation on the person's voter registration as  
8 follows:

9 (1) If the person participates in a party primary by  
10 designating the ballot of an established political party,  
11 then the election authority shall make a notation on the  
12 person's voter registration to reflect that he or she is  
13 affiliated with such party;

14 (2) If the person participates in the nonpartisan  
15 primary by designating the unaffiliated ballot with only  
16 questions and nonpartisan candidates, then the election  
17 authority shall make a notation on the person's voter  
18 registration to reflect that he or she is unaffiliated.

19 2. For any person who casts a ballot on the primary  
20 election day held on the first Tuesday after the first  
21 Monday in August 2024, the notation made by the election  
22 authority pursuant to subsection 1 of this section at the  
23 last primary election or presidential preference primary at  
24 which the person casts a ballot shall dictate such person's  
25 political party affiliation or unaffiliation for all primary  
26 elections held after September 1, 2024.



115.409. Except election authority personnel, election  
2 judges, watchers and challengers appointed pursuant to  
3 section 115.105 or 115.107, law enforcement officials at the  
4 request of election officials or in the line of duty, minor  
5 children under the age of eighteen accompanying an adult who  
6 is in the process of voting, international observers who  
7 have registered as such with the election authority, persons  
8 designated by the election authority to administer a  
9 simulated youth election for persons ineligible to vote  
10 because of their age, members of the news media who present  
11 identification satisfactory to the election judges and who  
12 are present only for the purpose of bona fide news coverage  
13 except as provided in subdivision (18) of section 115.637,  
14 provided that such coverage does not disclose how any voter  
15 cast the voter's ballot on any question or candidate [or in  
16 the case of a primary election on which party ballot they  
17 voted] or does not interfere with the general conduct of the  
18 election as determined by the election judges or election  
19 authority, and registered voters who are eligible to vote at  
20 the polling place, no person shall be admitted to a polling  
21 place.

115.429. 1. The election judges shall not permit any  
2 person to vote unless satisfied that such person is the  
3 person whose name appears on the precinct register.

4 2. The identity or qualifications of any person  
5 offering to vote may be challenged by any election authority  
6 personnel, any registered voter, or any duly authorized  
7 challenger at the polling place. No person whose right to  
8 vote is challenged shall receive a ballot until his or her  
9 identity and qualifications have been established.

10 3. Any question of doubt concerning the identity or  
11 qualifications of a voter shall be decided by a majority of

12 the judges from the major political parties. If such  
13 election judges decide not to permit a person to vote  
14 because of doubt as to his or her identity or  
15 qualifications, the person may apply to the election  
16 authority as provided in section 115.193 or file a complaint  
17 with the elections division of the secretary of state's  
18 office under and pursuant to section 115.219.

19 4. If the election judges cannot reach a decision on  
20 the identity or qualifications of any person, the question  
21 shall be decided by the election authority.

22 5. The election judges or the election authority may  
23 require any person whose right to vote is challenged to  
24 execute an affidavit affirming his or her qualifications.  
25 The election authority shall furnish to the election judges  
26 a sufficient number of blank affidavits of qualification,  
27 and the election judges shall enter any appropriate  
28 information or comments under the title "Remarks" which  
29 shall appear at the bottom of the affidavit. All executed  
30 affidavits of qualification shall be returned to the  
31 election authority with the other election supplies. Any  
32 person who makes a false affidavit of qualification shall be  
33 guilty of a class one election offense.

34 **6. In the case of any primary election, the election**  
35 **judges shall determine whether the voter's political party**  
36 **affiliation is the same as the political party holding the**  
37 **primary election.**

Section B. The repeal and reenactment of sections  
2 115.137, 115.225, 115.249, 115.279, 115.287, 115.327,  
3 115.349, 115.351, 115.363, 115.395, 115.397, 115.409, and  
4 115.429 of this act shall become effective on January 1,  
5 2025.

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